

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

1.) Christian PEREZ-Garcia

2.) Miguel Angel FLORES-Ley,

Defendant(s)

Magistrate Case No.

COMPLAINT FOR VIOLATION OF:

Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii)

Transportation of Illegal
Aliens

Title 8 U.S.C., Sec. 1324 (a)(2)(B)(iii)

Bringing in Illegal Aliens Without
Presentation

The undersigned complainant, being duly sworn, states:

COUNT ONE

On or about **June 25, 2008**, within the Southern District of California, defendant **Christian PEREZ-Garcia**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Francisco Javier URIBE-Pelayo, Ernestina Patricia SERRANO and Victor Manuel MORALES-Izarraraz**, had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

COUNT TWO

On or about **June 25, 2008**, within the Southern District of California, defendant **Miguel Angel FLORES-Ley**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Francisco Javier URIBE-Pelayo, Ernestina Patricia SERRANO and Victor Manuel MORALES-Izarraraz**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT

James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 27th DAY OF JUNE, 2008.

Louisa S. Porter

UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:

- 1) Christian PEREZ-Garcia
- 2) Miguel Angel FLORES-Ley

PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Francisco Javier URIBE-Pelayo, Ernestina Patricia SERRANO and Victor Manuel MORALES-Izarraraz**, are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On June 25, 2008, Senior Patrol Agent R. Harden was performing assigned line watch duties in the Imperial Beach Station Border Patrol Station area of responsibility. At approximately 2:00 p.m., Agent Harden was advised, via Agency radio, of a vehicle in an area commonly referred to as "The Old Dairymart Gate." This area is approximately two miles west of the San Ysidro, California Port of Entry and is approximately one hundred yards north of the United States/Mexico International Boundary Fence.

Agent Harden responded to the area and observed three individuals running south towards Mexico away from a white van as it was leaving the area. Agent Harden was in a fully marked Agency Vehicle equipped with fully operational lights and siren. Having witnessed the three individuals return back to Mexico, Agent Harden went through the gate and saw the white van driving towards Clearwater Road. Agent Harden drove to get closer to the vehicle. Once the van reached Clearwater Road, the driver observed Agent Harden approaching so he immediately turned off the road and got onto the Dairymart Bridge. Agent Harden followed the van over the bridge which was driving erratically and obviously attempting to avoid apprehension. Agent Harden attempted to conduct a vehicle stop and informed dispatch that the vehicle was yielding. The van then suddenly attempted a U-turn maneuver, turning directly in front of Agent Harden's vehicle. Agent Harden attempted to stop his vehicle to avoid impact with the van. Agent Harden was able to identify the driver as he continued his turn in front of him. Agent Harden's driver side fender was struck by the driver's side rear wheel well and the impact caused the van to hit the curb on the southbound lane. The van's tire blew out as it hit the curb but the driver continued driving southbound attempting to flee the area.

Agent Harden requested assistance from Agents in the area and Border Patrol Agents operating Agency issued all terrain vehicles (ATV) responded to assist. The vehicle pulled over at the intersection of Dairymart Road and Clearwater Road. At this time Agent Harden pulled up next to the driver's side so that the driver could not flee the scene. Agent Harden was able to again identify the driver. Other Border Patrol Agents approached the passenger side, making sure that no one could flee the vehicle. Agent Harden identified himself as a Border Patrol Agent and questioned the driver in regards to his citizenship and right to remain in the United States. The driver, later identified as the defendant **Christian PEREZ-Garcia**, freely stated that he was a citizen and national of Mexico, present in the United States without any documents that would allow him to legally enter or remain in the United States. Agent Harden then inspected the van and encountered one passenger in the cab area and twelve individuals crouched in the cargo area of the van. Agents from the ATV Unit identified themselves as United States Border Patrol Agents and questioned each of the passengers in the van as to their citizenship and nationality. Each person admitted to being a citizen and national of Mexico, present in the United States without any documents that would allow them to legally enter or remain in the United States. At approximately 2:35 p.m., the defendant and the thirteen passengers were placed under arrest and subsequently transported to the Imperial Beach Station for processing.

CONTINUATION OF COMPLAINT:**1) Christian PEREZ-Garcia****2) Miguel Angel FLORES-Ley****DEFENDANT STATEMENT: Miguel Angel FLORES-Ley**

Defendant **Miguel Angel FLORES-Ley** was advised of his Miranda rights. He stated he understood and was willing to answer questions without a lawyer present. FLORES admitted to being a citizen and national of Mexico without any immigration documentation that would allow him to be or remain in the United States legally.

FLORES stated that a friend named Arturo approached him and offered to smuggle him into the United States for \$2500.00 USD. FLORES stated that Arturo later offered to lower the price for him to be smuggled into the United States if FLORES was willing to work for him. FLORES stated that he was tasked with maintaining communication with the smugglers in Mexico via radio and that he would be sitting in the front passenger seat of the vehicle being sent to pick up the group of undocumented aliens. FLORES stated that after everyone had gone through the fence and jumped into a white colored van, he took his position in the front passenger seat. FLORES admitted that while they were driving in the van he continued to receive communications via radio. FLORES stated that he was aware that the undocumented aliens being smuggled in this event were citizens and nationals of Mexico illegally present with no documentation that would allow them to be or remain in the United States legally.

MATERIAL WITNESSES STATEMENTS:

Material witnesses **Francisco Javier URIBE-Pelayo, Ernestina Patricia SERRANO and Victor Manuel MORALES-Izarraraz**, agree in summary that they are citizens and nationals of Mexico illegally present in the United States. They admit to entering the United States illegally. The material witnesses stated that they were to pay \$4,000.00 to \$4,500.00 (USD) to be smuggled into the United States. Material witnesses SERRANO and MORALES-Izarraraz were shown a photographic line up and were able to identify defendant #1 **Christian PEREZ-Garcia** as the driver of the vehicle and defendant #2 Miguel Angel FLORES-Ley as the foot guide of the group.